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EXAMINER

RUNNING, RACHEL A

ART UNIT

PAPER NUMBER

3732

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/554,183 | <b>Applicant(s)</b><br>CECCARINI, MARCELLO |  |
|                              | <b>Examiner</b><br>RACHEL A. RUNNING | <b>Art Unit</b><br>3732                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18-20, 22, 23, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackshear (US 5,787,903).

Regarding claim 18, Blackshear discloses a device comprising a base means for supporting the device on a substantially plane and horizontal surface (i.e. the legs of the device), a first support (16) for supporting a limb, an aspirator means including a motorized fan (42) and filtering means (44) wherein the aspirator means is located below the first support having an edge of the first support being close to and facing the aspirator means (see Figure 1; column 2, lines 60-65). The filtering means (44) has an upper portion which forms a second support for at least one limb portion (see Figure 3). A set of lamps (38) is also disclosed (column 2, lines 60-65). Regarding claim 19, the first support has a convex shape and a surface sized to support two hands (see Figure 4). Regarding claim 20, the device has a cavity for receiving at least one hand and the set of lamps is stored within the cavity. Regarding claim 22, removable containers (22)

are stored in the device (column 2, lines 55-60). Regarding claim 23, a wrist support means (34) is located adjacent to the removable containers (see Figure 4). Regarding claim 31, the device has an eyelid portion (30) located at an upper external edge of the cavity (see Figure 1).

3. Claims 18-20, 22, 23, 28, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziff (US 6,708,697).

Regarding claim 18, Ziff discloses a device comprising a base means (80) for supporting the device on a substantially plane and horizontal surface, a first support (65) for supporting a limb, an aspirator means including a motorized fan (89) and filtering means (88) wherein the aspirator means is located below the first support having an edge of the first support being close to and facing the aspirator means (see Figure 1; column 4, lines 50-60). The filtering means (88) has an upper portion (85) which forms a second support for at least one limb portion (see Figure 1). A set of lamps (24) is also disclosed (column 3, lines 58-62). Regarding claim 19, the first support has a convex shape and a surface sized to support two hands (see Figure 1). Regarding claim 20, the device has a cavity (40) for receiving at least one hand and the set of lamps is stored within the cavity (see Figure 1). Regarding claim 22, removable containers (i.e. nail polish bottles) are stored in the device (see Figure 4). Regarding claim 23, a wrist support means (96,98) are located adjacent to the removable containers (see Figure 4). Regarding claim 28, the device has a handle (12) (see Figure 1). Regarding claim 31, the device has an eyelid portion (20) located at an upper

external edge of the cavity (see Figure 1). Regarding claim 32, the device has side walls with hinged portions (15) (see Figure 1; column 3, lines 49-53).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackshear (US 5,787,903) in view of Park (US 6,035,858).

Blackshear discloses the claimed invention except for the device comprising an ultrasonic means (claim 24), with an associated container for a liquid (claim 25), a timer for controlling the ultrasonic means (26), a timer for controlling the lamps (claim 27), a switch board having an on-off switch (claim 29), and having a supply transformer (claim 30).

Park teaches a nail device comprising an ultrasonic means (21), with a container for a liquid (28), a timer for controlling the ultrasonic means (26), a timer for controlling the lamps (26), and a switch board (120) having an on-off switch with a supply transformer (T1) (column 3, lines 30-60 and column 5, lines 25-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Blackshear with an ultrasonic means with a timer, switchboard, and transformer as taught by Park in order to allow the user to easily remove artificial nails.

6. Claims 24-27, 29, and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Ziff (US 6,708,697) in view of Park (US 6,035,858).

Ziff discloses the claimed invention except for the device comprising an ultrasonic means (claim 24), with an associated container for a liquid (claim 25), a timer for controlling the ultrasonic means (26), a timer for controlling the lamps (claim 27), a switch board having an on-off switch (claim 29), and having a supply transformer (claim 30).

Park teaches a nail device comprising an ultrasonic means (21), with a container for a liquid (28), a timer for controlling the ultrasonic means (26), a timer for controlling the lamps (26), and a switch board (120) having an on-off switch with a supply transformer (T1) (column 3, lines 30-60 and column 5, lines 25-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ziff with an ultrasonic means with a timer, switchboard, and transformer as taught by Park in order to allow the user to easily remover artificial nails.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziff (US 6,708,697) in view of Grimm (US 4,979,523).

Ziff discloses the claimed invention except for the lamps being of a spectrum effective in polymerization.

Grimm discloses lamps that are of a spectrum to effect polymerization (column 2, lines 31-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lamps of Ziff with UV lamps as taught by Grimm in order effect polymerization.

***Response to Arguments***

8. Applicant's arguments filed February 13, 2008 have been fully considered but they are not persuasive.

9. In response to applicants argument that Blackshear does not disclose a filter with a limb portion, the filter of Blackshear is shown in Figure 4, and the upper portion which forms a second support is interpreted to be the table (12) with which the filter is connected to.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL A. RUNNING whose telephone number is (571)272-1917. The examiner can normally be reached on Monday-Friday 7:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/  
Primary Examiner, Art Unit 3732

/Rachel A. Running/  
Examiner  
Art Unit 3732

5/1/2008



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